

AMENDED IN SENATE AUGUST 17, 2010

AMENDED IN SENATE JULY 8, 2009

AMENDED IN SENATE JUNE 22, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 583

Introduced by Assembly Member Hayashi

February 25, 2009

An act to ~~amend Section 680 of~~ *add Section 680.5 to* the Business and Professions Code, relating to health care practitioners.

LEGISLATIVE COUNSEL'S DIGEST

AB 583, as amended, Hayashi. Health care practitioners: disclosure of education and office hours.

Existing law requires a health care practitioner to disclose, while working, his or her name and practitioner's license status on a name tag in at least 18-point type or to prominently display his or her license in his or her office, except as specified.

This bill would require each of those health care practitioners to also display the type of license and, ~~except for nurses as specified,~~ the highest level of academic degree he or she holds ~~either on a name tag in at least 18-point type, prominently displayed in his or her office, or in writing given to patients a patient on his or her initial office visit.~~ The bill would require a physician and surgeon, *and an osteopathic physician and surgeon, and doctor of podiatric medicine* who is certified in a medical specialty, as specified, to disclose the name of the certifying board or association ~~either on a name tag in at least 18-point type, in writing given to the patient on the patient's first office visit, or in a prominent display in his or her office.~~ ~~The bill would require a physician and~~

~~surgeon who supervises an office in addition to his or her primary practice location to conspicuously post in each office a schedule of the regular hours when he or she will be present in that office and the office hours during which he or she will not be present. The bill would also require an office that is part of a group practice with more than one physician and surgeon to post a current schedule of the hours when a physician and surgeon is present. The bill would exempt *specified* health care practitioners, including, without limitation, persons working in certain licensed laboratories and health care facilities, as specified, from the these requirements to disclose license type, highest level of academic degree, and name of certifying board or association providing certification in the practitioner's specialty or subspecialty.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 680.5 is added to the Business and
2 Professions Code, to read:
3 680.5. (a) (1) A health care practitioner licensed under
4 Division 2 (commencing with Section 500) shall communicate to
5 a patient his or her name, state-granted practitioner license type,
6 and highest level of academic degree, by one or both of the
7 following methods:
8 (A) In writing at the patient's initial office visit.
9 (B) In a prominent display in an area visible to patients in his
10 or her office.
11 (2) An individual licensed under Chapter 6 (commencing with
12 Section 2700) is not required to disclose the highest level of
13 academic degree he or she holds.
14 (b) A person licensed under Chapter 5 (commencing with
15 Section 2000) or under the Osteopathic Act, who is certified by
16 (1) an American Board of Medical Specialties member board, (2)
17 a board or association with requirements equivalent to a board
18 described in paragraph (1) approved by that person's medical
19 licensing authority, or (3) a board or association with an
20 Accreditation Council for Graduate Medical Education approved
21 postgraduate training program that provides complete training in
22 the person's specialty or subspecialty, shall disclose the name of

1 *the board or association by either method described in subdivision*
2 *(a).*

3 *(c) A health care practitioner who chooses to disclose the*
4 *information required by subdivisions (a) and (b) pursuant to*
5 *subparagraph (A) of paragraph (1) of subdivision (a) shall present*
6 *that information in at least 24-point type in the following format:*

7
8 HEALTH CARE PRACTITIONER INFORMATION

- 9 1. Name and license..... .
10 2. Highest level of academic degree..... .
11 3. Board certification (ABMS/MBC)..... .
12

13
14
15 *(d) This section shall not apply to the following health care*
16 *practitioners:*

17 *(1) A person who provides professional medical services to*
18 *enrollees of a health care service plan that exclusively contracts*
19 *with a single medical group in a specific geographic area to*
20 *provide or arrange for professional medical services for the*
21 *enrollees of the plan.*

22 *(2) A person who works in a facility licensed under Section 1250*
23 *of the Health and Safety Code or in a clinical laboratory licensed*
24 *under Section 1265.*

25 *(3) A person licensed under Chapter 3 (commencing with*
26 *Section 1200), Chapter 7.5 (commencing with Section 3300),*
27 *Chapter 8.3 (commencing with Section 3700), Chapter 11*
28 *(commencing with Section 4800), Chapter 13 (commencing with*
29 *Section 4980), or Chapter 14 (commencing with Section 4990.1).*

30 *(e) A health care practitioner, who provides information on an*
31 *Internet Web site that is directly controlled or administered by*
32 *that health care practitioner or his or her office personnel, shall*
33 *prominently display on that Internet Web site the information*
34 *required by this section.*

35 **SECTION 1. Section 680 of the Business and Professions Code**
36 **is amended to read:**

37 ~~680. (a) (1) Except as otherwise provided in this section, a~~
38 ~~health care practitioner shall disclose, while working, his or her~~
39 ~~name, practitioner's license status, license type, as granted by this~~

1 state, and the highest level of academic degree he or she holds, by
2 one of the following methods:

3 (A) On a name tag in at least 18-point type.

4 (B) In writing to a patient at the patient's initial office visit.

5 (C) In a prominent display in his or her office.

6 ~~(2) If a health care practitioner or a licensed clinical social~~
7 ~~worker is working in a psychiatric setting or in a setting that is not~~
8 ~~licensed by the state, the employing entity or agency shall have~~
9 ~~the discretion to make an exception from the name tag requirement~~
10 ~~for individual safety or therapeutic concerns.~~

11 ~~(3) (A) In the interest of public safety and consumer awareness,~~
12 ~~it shall be unlawful for any person to use the title "nurse" in~~
13 ~~reference to himself or herself in any capacity, except for an~~
14 ~~individual who is a registered nurse or a licensed vocational nurse,~~
15 ~~or as otherwise provided in Section 2800. Nothing in this section~~
16 ~~shall be deemed to prohibit a certified nurse assistant from using~~
17 ~~his or her title.~~

18 ~~(B) An individual licensed under Chapter 6 (commencing with~~
19 ~~Section 2700) is not required to disclose the highest level of~~
20 ~~academic degree he or she holds.~~

21 ~~(b) Facilities licensed by the State Department of Social~~
22 ~~Services, the State Department of Mental Health, or the State~~
23 ~~Department of Public Health shall develop and implement policies~~
24 ~~to ensure that health care practitioners providing care in those~~
25 ~~facilities are in compliance with subdivision (a). The State~~
26 ~~Department of Social Services, the State Department of Mental~~
27 ~~Health, and the State Department of Public Health shall verify~~
28 ~~through periodic inspections that the policies required pursuant to~~
29 ~~subdivision (a) have been developed and implemented by the~~
30 ~~respective licensed facilities.~~

31 ~~(c) For purposes of this article, "health care practitioner" means~~
32 ~~any person who engages in acts that are the subject of licensure~~
33 ~~or regulation under this division or under any initiative act referred~~
34 ~~to in this division.~~

35 ~~(d) An individual licensed under Chapter 5 (commencing with~~
36 ~~Section 2000) or under the Osteopathic Act, who is certified by~~
37 ~~(1) an American Board of Medical Specialties member board, (2)~~
38 ~~a board or association with equivalent requirements approved by~~
39 ~~that person's medical licensing authority, or (3) a board or~~
40 ~~association with an Accreditation Council for Graduate Medical~~

1 ~~Education-approved postgraduate training program that provides~~
2 ~~complete training in that specialty or subspecialty, shall disclose~~
3 ~~the name of the board or association by one of the following~~
4 ~~methods:~~

5 ~~(1) On a name tag in at least 18-point type.~~

6 ~~(2) In writing to a patient at the patient's initial office visit.~~

7 ~~(3) In a prominent display in his or her office.~~

8 ~~(e) A physician and surgeon who supervises an office in addition~~
9 ~~to his or her primary practice location shall prominently display~~
10 ~~in each of those offices a current schedule of the regular hours~~
11 ~~when he or she is present in the respective office, and the hours~~
12 ~~during which each office is open and he or she is not present. If~~
13 ~~the office is a part of a group practice with more than one physician~~
14 ~~and surgeon, the office shall post a current schedule of the hours~~
15 ~~when a physician and surgeon is present in the office.~~

16 ~~(f) Subdivisions (d) and (e) shall not apply to a health care~~
17 ~~practitioner working in a facility licensed under Section 1250 of~~
18 ~~the Health and Safety Code or in a clinical laboratory licensed~~
19 ~~under Section 1265.~~